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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,388	01/22/2001	Nobuo Shimazu	740107-140	1026
7590	10/20/2003			EXAMINER VANOKE, DAVID A
Nixon Peabody LLP 401 9th Street NW Suite 900 Washington, DC 20004-2128			ART UNIT 2881	PAPER NUMBER

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/765,388	SHIMAZU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David A Vanore	2881	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a)  The period for reply expires 3 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3.  Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

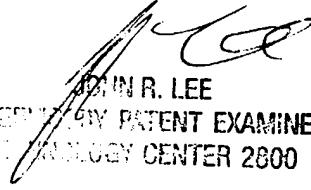
Claim(s) rejected: 1-6.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The proposed drawing correction filed on \_\_\_\_\_ is a)a) approved or b)b) disapproved by the Examiner.
9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). \_\_\_\_\_.
10.  Other: \_\_\_\_\_

Continuation of 2. NOTE: Claims 7 and 8 have been added without cancelation of any of the finally rejected claims 1-6.

Continuation of 3. Applicant's reply has overcome the following rejection(s): None. Applicant's arguments are not persuasive. Items A1 and A2 deflected a shaped electron beam on the mask. Applicant further asserts that one of ordinary skill would not have been motivated to combine Stengl et al. with Muraki, and backs up this assertion with reference to the specification but provides no reasoned statement to support this assertion. Examiner concludes that one of ordinary skill would have been motivated to combine Muraki with Stengl et al. to produce the inventions of claims 1,2, and 5 if such a combination were required. Applicant asserts that the electrostatic cylindrical lens of the present invention is not the same as the coaxial hollow cylinder of Stengl et al. The function of the two devices appear to be coincident, and there is no claim language to differentiate the function of the two. Stengl et al. anticipates claim 2. Applicant's remarks contained in the last paragraph of pg. 4 of the response and the first paragraph on pg. 5 of the response are directed to subject matter not recited in claims 3, 4, and 6. Applicants remarks are directed towards Muraki which as pointed out in the previous Office Action, teaches the claimed subject matter when taken in view of Stengl et al. Applicant's arguments are not persuasive and all claims stand finally rejected..

  
IN R. LEE  
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